sequence at least 75% identical to SEQ ID NO:1 in a sample from the patient, thereby determining the presence or absence of the breast cancer cell.

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33. The method of claim 32, wherein the sample comprises isolated nucleic acids.

34. The method of claim 33, wherein the nucleic acids are mRNA.

35. The method of claim 32, wherein the sample is breast tissue.

36. The method of claim 32, wherein the nucleic acid comprises SEQ ID NO:1.

37. The method of claim 32, wherein said detecting step is carried out by using a labeled nucleic acid probe.

38. The method of claim 32, wherein said detecting step is carried out by utilizing a biochip comprising a sequence at least 75% identical to SEQ ID NO:1.

REMARKS

In response to the Office Action mailed March 27, 2002, Applicants elect with traverse to prosecute the claims of Group V, new claims 32-38.

According to the MPEP, where claims can be examined together without undue burden, the Examiner must examine the claims on the merits even though they are directed to independent and distinct inventions. See, the MPEP at 803.01. In establishing that an "undue burden" would exist for co-examination of claims, the Examiner must show that examination of the claims would involve substantially different prior art searches, making the co-examination burdensome. To show undue burden